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7 Attorneys for Defendant
8 EMPLOYEE EQUITY ADMINISTRATION, INC., a
9 California corporation, doing business as WESTLINE
10 MEDICAL MANAGEMENT BROOKVUE CARE
11 CENTER, OAKLAND CARE CENTER,
12 ROUNSEVILLE REHABILITATION CENTER and
13 SUNRISE HEALTH CARE CENTER

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA

17 SERVICE EMPLOYERS
18 INTERNATIONAL UNION NATIONAL
19 INDUSTRY PENSION FUND, ANDREW
20 STERN, Trustee, ROD BASHIR, Trustee,
21 CHARLES RIDGELL, Trustee,
22 SHARLEEN STEWART, Trustee, JAMES
23 BERG, Trustee, EDWARD J. MANKO,
24 Trustee, JOHN J. SHERIDAN, Trustee,
25 LARRY T. SMITH, Trustee, WILLIAM F.
26 STUHLBARG, Trustee,

27 Plaintiffs,

28 vs.

EMPLOYEE EQUITY
ADMINISTRATION, INC., a California
corporation, doing business as
WESTLINE MEDICAL
MANAGEMENT BROOKVUE CARE
CENTER, OAKLAND CARE CENTER,
ROUNSEVILLE REHABILITATION
CENTER and SUNRISE HEALTH
CARE CENTER,

Defendant.

CASE No. C 04 3900 JSW

STIPULATED JUDGMENT

~~EXHIBIT A~~

Defendants EMPLOYEE EQUITY ADMINISTRATION, INC., dba WESTLINE MEDICAL MANAGEMENT, BROOKVUE CARE CENTER, OAKLAND CARE CENTER, ROUNSEVILLE REHABILITATION CENTER and SUNRISE HEALTH CARE CENTER, stipulate to judgment as follows:

1. Defendants were bound at all relevant times by a collective bargaining agreement with Local 250 SEIU to submit monthly reports of hours worked, and to make pension contributions at contractual rates to Plaintiff SEIU National Industry Pension Fund ("Fund") on behalf of employees at four nursing home facilities. Defendants failed for many months to fulfill these contractual obligations. The Court has jurisdiction over these claims under ERISA section 502(e), 29 U.S.C. Section 1132(e).

2. Defendants are ordered to produce monthly contribution reports to plaintiff Fund for Rounsville Rehabilitation Center for the work months July through December 2001, as required pursuant to the terms of its collective bargaining agreement. The reports shall contain all contractually required information concerning covered hours of work by the employees of defendant. Defendants are ordered to provide Social Security numbers for employees listed in reports for Oakland Care Center. Because defendants have received notice of its breach of this obligation for many months, the reports shall be delivered to the office of plaintiffs' attorneys within fourteen (14) days from the date of entry of this Judgment.

3. The Court grants Judgment in favor of plaintiff and against defendants as to each hour for which contributions are delinquent as follows, under the authority of 29 U.S.C. Section 1132(g)(2):

- (a) All delinquent contributions;
- (b) Interest at the Fund rate of 10% simple interest per annum;
- (c) Liquidated damages on delinquent contributions in an amount equal to the great of:

~~EXHIBIT A~~

(i) 20% of delinquent contributions or

(ii) An amount equal to the interest due;

(d) Liquidated damages on late paid contributions at the Fund rate of 5%, with a monthly minimum of \$50 and a monthly maximum of \$800.

4. The award of reasonable attorneys' fees and costs is mandatory under 29 U.S.C. Section 1132(g)(2)(D). *Operating Engineers Pension Trust v. Reed*, 726 F.2d 513, 514 (9th Cir. 1984). Plaintiffs have submitted evidence that they have incurred attorneys' fees of \$11,861.50 and costs of \$274 to date. The Court finds these amounts to be reasonable and grants Judgment in favor of plaintiffs in these amounts.

5. Based upon the employment data provided by defendant to plaintiffs, and the calculation of amounts due submitted to plaintiffs in reliance on this data, the Court grants Judgment for damages as follows:

Contributions	\$140,268.19
Interest at 10% per annum	\$ 25,236.06
Statutory Liquidated Damages @ the Greater of 20% of Unpaid Contributions Or an Amount equal to the Interest Due, Plus Contractual Liquidated Damages @5% (with Minimum of \$50 and Maximum of \$800) on Late Paid Contributions	\$ 32,732.90
Attorneys' Fees	\$ 11,861.50
Costs	\$ 274.00
TOTAL	\$210,372.65

6. Defendant is a fiduciary under ERISA with respect to its duty to accurately report covered hours of employment of its employees and contributions owed on their behalf. *Northern California Retail Clerks, Etc. v. Jumbo Markets*, 906 F.2d 1371, 1373 (9th Cir. 1990).

~~EXHIBIT A~~

This Judgment, based on contractually required self-reporting by defendant, shall not bar plaintiff to conduct its periodic compliance testing in the future of the accuracy of defendants self-reporting of amounts owed for the period covered by this Judgment under the terms of the Trust Agreement of plaintiff Fund, and to bring a separate action based upon inaccurately under reporting of hours and contributions owed by defendants.

Dated: March 1, 2005

LONG & LEVIT LLP

By: Chip Cox
CHIP COX
Attorneys for Defendant
EMPLOYEE EQUITY
ADMINISTRATION, INC., a California
corporation, doing business as
WESTLINE MEDICAL
MANAGEMENT BROOKVUE CARE
CENTER, OAKLAND CARE
CENTER, ROUNSEVILLE
REHABILITATION CENTER and
SUNRISE HEALTH CARE CENTER

Dated: March 3, 2005

SALTZMAN & JOHNSON LAW CORPORATION

By: Philip M. Miller
Attorneys for Plaintiffs
SERVICE EMPLOYERS
INTERNATIONAL UNION NATIONAL
INDUSTRY PENSION FUND, ANDREW
STERN, Trustee, SHARLEEN STEWART,
Trustee, JAMES BERG, Trustee, EDWARD
J. MANKO, Trustee, JOHN J. SHERIDAN,
Trustee, LARRY T. SMITH, Trustee,
WILLIAM F. STUHLBARG, Trustee

Pursuant to Plaintiff's certification of Defendant's failure to provide the payments pursuant to the Settlement Agreement, the Court HEREBY ENTERS this Stipulated Judgment

Date: May 5, 2005

/s/ Jeffrey S. White
UNITED STATES DISTRICT JUDGE

~~EXHIBIT A~~

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